

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Joseph Genova Jr. #703625

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Fredogene Artis Warden, C.Sergeant
Jactout, Bass Kitchen Correction Officer,
Lalonde Correction Officer, & Goosetrey
ADW, in their official & individual
Capacity

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

COMPLAINT
(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes No

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes No

a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes No

4. Is the appeal still pending? Yes No

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes No

a. If so, explain: _____

FILED - GR
May 5, 2022 11:23 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: KB SCANNED BY: KB/55

1:22-cv-409
Sally J. Berens
U.S. Magistrate Judge

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Joseph Genova Jr. # 703625

Place of Present Confinement Michigan Reformatory

Address 1342 West Main St., Ionia, MI. 48846

Place of Confinement During Events Described in Complaint Earnest C. Brooks Corr. Fac.

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Fredeane Artis

Position or Title Warden

Place of Employment Earnest C. Brooks Corr. Fac.

Address 2500 S. Sheridan Drive, Muskegon Heights, MI. 49444

Official and/or personal capacity? Both

Name of Defendant #2 Jactout

Position or Title Sergeant

Place of Employment Earnest C. Brooks Corr. Fac.

Address 2500 S. Sheridan Drive, Muskegon Heights, MI. 49444

Official and/or personal capacity? Both

Name of Defendant #3 Bass-Kitchen

Position or Title Corrections Officer

Place of Employment Earnest C. Brooks Corr. Fac.

Address 2500 S. Sheridan Drive, Muskegon Heights, MI. 49444

Official and/or personal capacity? Both

Name of Defendant #4 Lalonde

Position or Title Corrections Officer

Place of Employment Earnest C. Brooks Corr. Fac.

Address 2500 S. Sheridan Drive, Muskegon Heights, MI. 49444

Official and/or personal capacity? Both

Name of Defendant #5 Goosefrey

Position or Title Assistant Deputy Warden

Place of Employment Earnest C. Brooks Corr. Fac.

Address 2500 S. Sheridan Drive, Muskegon Heights, MI. 49444

Official and/or personal capacity? Both

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

1. At all times relevant to this case, Plaintiff

Joseph Genova Sr. was at Earnest C. Brooks
Correctional Facility

2. On May 17, 2021 at apprx. 12:00pm Plaintiff was
viciously assaulted By Four (4) prisoners while on the
Exercise yard.

3. Plaintiff was punched, kicked , stumped and stabbed
multiple times.

4. After the incident was broken up by staff, Plaintiff
was then taken to medical where he received Sixteen (16)
Painful Staples in his head.

5. Next plaintiff was taken to administrative Segregation
and placed on involuntary protective custody.

6. On May 19, 2021 I went before the security
Classification Committee and they determined that
Plaintiff was not safe at the facility and were to be
transferred.

7. Then on May 26, 2021 Security classification Committee
Re-Interviewed Plaintiff and decided that they would
house him in their protection Unit in Eastlake on B-wing
Cell #40

8. Later that day, at APPROX. 5:30PM Plaintiff was released from administrative segregation to the protection wing in Eastlake Housing Unit.

9. Plaintiff was suffering, violent head aches, vomiting and blurred vision. He was made to walk un-escorted from one unit to the next. Upon information and belief Michigan state prison policy dictated that protective custody prisoners must be escorted outside of protected areas.

10. Upon entering the Eastlake Housing Unit, which houses both general population and protective custody prisoners I was dictated and directed by correction officers Lalonde an Bass-Kitchen to go to B-wing Cell #40

11. As I was walking toward cell #40 Correction Officers Lalonde an Bass-Kitchen opened the cells to general population prisoners. Then prisoners Johnson, Smith and John Doe attacked Plaintiff. Upon information and belief Michigan State prison policy dictated that protective custody prisoners an General population prisoners shall be kept separate at all times.

12. Prisoners Smith, Johnson an John Doe punched, kicked, stomped and attempted to stab Plaintiff.

13. Again Plaintiff was taken to administrative segregation and held for 47 days then transferred to Macomb Regional Facility an Ernest C. Brooks transferred prisoner Smith with Plaintiff an caused him more suffering to where he had to seek protection from Macomb Regional Staff an again was made to stay in Segregation for close to 90 days before being transferred yet again.

14. Medical never evaluated Plaintiff at either facility when he continuously suffered chronic Migraines an Vomiting.

LEGAL CLAIMS

15. Defendants Freddieane Artis, Goostrey, Sactout, Lalonde and Bass-Kitchen failed to protect Plaintiff Genova BY not escorting him and deliberately opening the General Population door(s) when they knew or should have known the Substantial Risk of him being attacked.

16. Defendants actions violated Plaintiff Genova rights Under the Eighth Amendment to the United States Constitution can caused Plaintiff Genova pain, suffering, physical injury or emotional distress.

17. Plaintiff Genova has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff Genova has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff Seeks.

VERIFICATION

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on ~~inforfa~~ information and belief, and, as to those I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Ionia, Michigan on 4-25-22

Signature: Joseph Genova Jr. # 703625

Plaintiff: Joseph Genova Jr. # 703625

IV. Relief

State briefly and precisely what you want the court to do for you.

Wherefore, Plaintiff respectfully pray that this Court enter judgement:

18. Granting Plaintiff Genova a declaration that the acts and omissions described herein violated his rights under the Constitution or the laws of the United States Eighth Amendment. And .

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

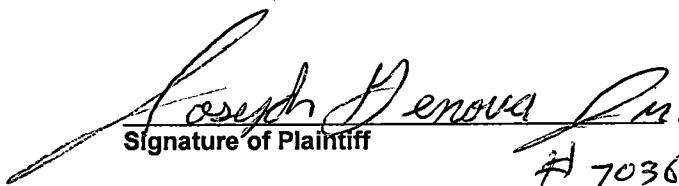
Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

I request that this case be assigned to a district judge.

4-25-22

Date


Signature of Plaintiff
703625

NOTICE TO PLAINTIFF(S)

The failure of a pro se litigant to keep the court apprised of an address change may be considered cause for dismissal.

19. A preliminary and permanent injunction ordering defendants to transfer Plaintiff to a protective custody facility and
20. Granting Plaintiff Genova compensatory damages in the amount of \$100,000.00 against each defendant, jointly and severally.
21. Plaintiff seeks nominal damages and punitive damages in the amount of \$100,000.00 against each defendant, jointly and severally.
22. Plaintiff seeks a jury trial on all the issues triable by jury.

23. Plaintiff, also seeks recovery of the costs in this suit and

Any additional relief this court deems just, proper and equitable.

Date: 4-25-22

Respectfully submitted,


103625

Joseph Benway Sr.

#703625

Saginaw Correctional Facility

9625 Pierce RD.

Free land MI, 48623

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Grand Ba



US POSTAGE MARTINEY BOWES



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STRICT COURT
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pids, MI 49503